

WICKLIFFE CITY COUNCIL  
SPECIAL COUNCIL MEETING - July 20, 2009

A special meeting of the Council of the City of Wickliffe was called to order on Monday, July 20, 2009 at 6:30 p.m. by Council President William Margalis. Upon roll call, the following were present:

LAW DIRECTOR:	Bill Gargiulo
COUNCIL PRESIDENT;	William Margalis
COUNCIL:	Jaworski, Krych, Levar, Luther, Matyja Koski not present at roll call
ENGINEER:	Pete Formica
ACTING SVS. DIRECTOR:	Don Kerniskey

Bid Acceptance - 2009 Preventive Maintenance Program

Mr. Formica reviewed the bids which were received and are attached. One bid was received for Contract A - Cracksealing from Specialized Construction, Inc. of Cuyahoga Hts., Ohio. For \$50,000 worth of crack filling their bid is 5,030 gallons (\$9.94/gal) as compared to the Opinion of Probable Bid Quantity of 5,000 gallons (\$10.01/gal.). The 2007 bid price range for cracksealing ranged from \$7.98/gal. to \$9.00/gal. and the 2008 bid price was \$8.19.

One bid was also received for Contract B - Asphalt Preservative Seal from Pavement Technologies, Inc. of Westlake, Ohio. Their bid of 71,428 square yards to perform \$50,000 worth of asphalt rejuvenation calculates to a cost of \$0.70 per square yard and is reasonable compared to the Engineer's Estimate of \$.80 per square yard. Both bids have been reviewed and found to be in conformance with all contract requirements. It is his opinion that these bidders are experienced and qualified to perform the work within the contracts. The completion date for both of these contracts is as follows: Ten (10) calendar days from the first day of work and no later than 20 days from Notice to Proceed.

As noted in the Legal Notice, the bid value for these contracts were intended to be \$65,000 and \$35,000 for Contracts A & B respectively. The Bid Forms, however, stated \$50,000 for each contract. This was discussed with each of the contractors and each of them will stand by their bid prices. Should the contract value be awarded as intended in the Legal Notice. The contract quantities would be revised to be 6,539 gallons of crack filling at \$9.94/gallon totaling \$65,000 for Contract A and 40,000 square yards of asphalt rejuvenation at \$0.70/s.y. totaling \$35,000 for Contract B.

After some discussion, Mr. Margalis interjected that normally we do not accept the bids and do the ordinances at the same meeting but since there was only one bidder for each bid it would be appropriate to adopt these and each ordinance does state the amount that Mr. Formica has said is 65/35 and this is what we are paying for. Mr. Formica will also get a letter from each contractor as a back-up.

Moved by Mr. Krych seconded by Ms. Luther that the bid for Contract A cracksealing from Specialized Construction, Inc. of Cuyahoga Hts., Ohio for the bid price of \$9.94 per gallon not to exceed \$65,000 as being the best and most responsive bid and that all other bids be rejected.

ROLL CALL: Yes: Jaworski, Krych, Levar, Luther, Margalis, Matyja  
No: None

Motion carried.

Moved by Mr. Krych seconded by Ms. Luther that council accept the bid for Contract B - asphalt pavement repair from Pavement Technology, Inc. of Westlake, Ohio for the bid price of \$.70 per square yard, that amount not to exceed \$35,000.00 as being the best and most responsive bid and that all other bids be rejected.

ROLL CALL: Yes: Jaworski, Krych, Levar, Luther, Margalis, Matyja  
No: None

Motion carried.

Bid Acceptance - Heavy duty sewer cleaner body

Mr. Kerniskey reviewed the bids which were received and are attached. His recommendation is that the bid from Best Equipment in the amount of \$120,900.00 be accepted. Mr. Margalis added that this is for the body we have already accepted the bid for the chassis. Mr. Krych inquired about the warranty. Mr. Kerniskey explained that there is a warranty on the engine and he will check further into this warranty.

Moved by Mr. Margalis, seconded by Mr. Krych that the bid from Best Equipment, 12359 Abbey Road, North Royalton, Ohio for one heavy duty vacuum catch basin sewer cleaner body, Model Vac-All Model LV-16, with the stainless steel option of \$22,000, deduct \$1800 for manual tailgate, for a net bid price of \$120,900.00 be accepted as being the lowest and best bid and that all other bids be rejected.

ROLL CALL: Yes: Jaworski, Krych, Levar, Luther, Margalis, Matyja  
No: None

Motion carried.

Ms. Koski entered the meeting at this point.

Mr. Gargiulo pointed out that according to our Charter it must be stated that the phrase: lowest, most responsive and responsible bidder should be included in the acceptance of bids.

ORDINANCE NO. 2009-40 AN ORDINANCE LEVYING AN ASSESSMENT FOR UNPAID BILLS AND COST OF CUTTING NOXIOUS OR POISONOUS WEEDS, VINES, TREE LIMBS, OR GRASSES GROWING UPON PARCELS OF LAND IN THE CITY OF WICKLIFFE, OHIO AND DECLARING AN EMERGENCY. Read by title.

Mr. Matyja inquired if the parties in the ordinance have been taken to court regarding this. Mr. Garguilo explained that only one has been taken to court but if they were taken to court there would be a separate ordinance regarding court costs, etc. Mr. Margalis requested that Mr. Sack report to council which one of these have been cited more than once.

Moved by Mr. Krych seconded by Mr. Levar that the rules of council be suspended and that Ordinance No. 2009-40 be placed on third and final reading.

ROLL CALL: Yes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja  
No: None

Motion carried.

Moved by Mr. Levar seconded by Ms. Luther that Ordinance No. 2009-40 be adopted as presented.

ROLL CALL: Yes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja  
No: None

Motion carried. Ordinance No. 2009-40 adopted.

ORDINANCE NO. 2009-41 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO ENTER INTO A CONTRACT WITH SPECIALIZED CONSTRUCTION, INC. FOR THE 2009 PAVEMENT REPAIR PROGRAM-CONTRACT A: CRACK SEALING AND DECLARING AN EMERGENCY. Read by title.

This Ordinance as presented to council did not have the emergency clause.

Moved by Mr. Levar seconded by Mr. Krych that Ordinance No. 2009-41 be amended to include the emergency clause to the public health and safety of residents due to the street striping.

ROLL CALL: Yes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja  
No: None

Motion carried.

Moved by Mr. Levar seconded by Ms. Koski that the rules of council be suspended and that Ordinance No. 2009-41 be placed on third and final reading, as amended.

ROLL CALL: Yes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja  
No: None

Motion carried.

Moved by Mr. Luther seconded by Mr. Krych that Ordinance No. 2009-41 be adopted as amended.

ROLL CALL: Yes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja  
No: None

Motion carried. Ordinance No. 2009-41 adopted.

ORDINANCE NO. 2009-42 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WICKLIFFE, OHIO TO ENTER INTO A CONTRACT WITH PAVEMENT TECHNOLOGY, INC. FOR THE 2009 PAVEMENT REPAIR PROGRAM, CONTRACT B: ASPHALT PAVEMENT REPAIR AND DECLARING AN EMERGENCY. Read by title.

This Ordinance as presented to council did not have the emergency clause.

Moved by Mr. Levar seconded by Mr. Krych that Ordinance No. 2009-42 be amended to include the emergency clause to the public health and safety of residents due to the street striping.

ROLL CALL: Yes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja  
No: None

Motion carried.

Moved by Mr. Levar seconded by Ms. Koski that the rules of council be suspended and that Ordinance No. 2009-42 be placed on third and final reading, as amended.

ROLL CALL: Yes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja  
No: None

Motion carried.

Moved by Mr. Levar seconded by Ms. Luther that Ordinance No. 2009-42 be adopted as amended.

ROLL CALL: Yes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja  
No: None

Motion carried. Ordinance No. 2009-42 adopted.

ORDINANCE NO. 2009-43 AN ORDINANCE AUTHORIZING THE PURCHASE FROM BEST EQUIPMENT COMPANY ONE (1) NEW HEAVY-DUTY VACUUM CATCH-BASIN SEWER-CLEANER BODY FOR USE BY THE SERVICE DEPARTMENT OF THE CITY OF WICKLIFFE, OHIO AND DECLARING AN EMERGENCY. Read by title.

This Ordinance as presented to council did not have the emergency clause.

Moved by Mr. Levar seconded by Mr. Krych that Ordinance No. 2009-43 be amended to include the emergency clause to the public health and safety of residents due to the street striping.

ROLL CALL: Yes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja  
No: None

Motion carried.

Moved by Ms. Luther seconded by Mr. Margalis that the rules of council be suspended and that Ordinance No. 2009-43 be placed on third and final reading, as amended.

ROLL CALL: Yes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja  
No: None

Motion carried.

Moved by Mr. Levar seconded by Ms. Luther that Ordinance No. 2009-43 be adopted as amended.

ROLL CALL: Yes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja  
No: None

Motion carried. Ordinance No. 2009-43 adopted.

There being no further business it was moved by Ms. Luther seconded by Mr. Levar that the special council meeting of July 20, 2009 be adjourned.

ROLL CALL: Yes: Jaworski, Koski, Krych, Levar, Luther, Margalis, Matyja  
No: None

Motion carried. Meeting adjourned at 7:05 p.m.

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Council Clerk

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Council President and Presiding Officer